

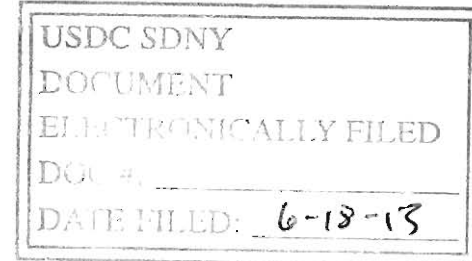


U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street, 3rd Floor  
New York, New York 10007

June 14, 2013



**By Hand Delivery**

The Honorable Paul A. Crotty  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *Residents for Sane Trash Solutions, Inc., et al. v.*  
*United States Army Corps of Engineers, et al.,*  
12 Civ. 8456 (PAC)

*Kellner, et al. v. United States Army Corps of*  
*Engineers, et al., 12 Civ. 8458 (PAC)*

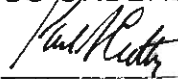
Dear Judge Crotty:

✓ This Office represents defendants the United States Army Corps of Engineers and Colonel Paul E. Owen (collectively, "USACE") in the above-referenced, related matters. Enclosed is a courtesy copy of the certification of the administrative records, a copy of the administrative records in electronic format, and the index thereto. These materials are also being provided by Federal Express to counsel of record in both matters. If the Court would prefer the administrative records in hard copy format, we are happy to provide a copy upon request.

✓ In light of the volume of material contained in the administrative records, USACE respectfully requests that the Court endorse this letter allowing USACE leave to file the administrative records with the clerk of the court in electronic format.

**The Court does not require a hard copy of the administrative records at this time. The Government is authorized to file the administrative records with the Clerk of Court in electronic format. It may do so by filing CD-ROM's of the administrative records with the Clerk's Office or by filing pdf's on ECF.**

**SO ORDERED:**

 6-18-13  
HON. PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE

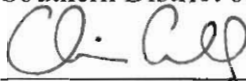
MEMO ENDORSED

We thank the Court for its consideration of this letter.

Respectfully,

PREET BHARARA  
United States Attorney for the  
Southern District of New York

By:



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Enclosure

**cc: By E-Mail (w/o enclosure)**

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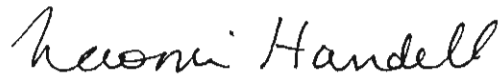
**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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RESIDENTS FOR SANE TRASH SOLUTIONS, INC., <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	12 Civ. 8456 (PAC)
	:	
UNITED STATES ARMY CORPS OF ENGINEERS, <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----	x	
-----	x	
NEW YORK STATE ASSEMBLY MEMBER MICAH Z.	:	
KELLNER, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	12 Civ. 8458 (PAC)
	:	
UNITED STATES ARMY CORPS OF ENGINEERS, <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----	x	

**CERTIFICATION OF ADMINISTRATIVE RECORD**

I, Naomi Handell, Project Manager for the United States Army Corps of Engineers (“USACE”), New York District, Regulatory Branch-Eastern Section, hereby certify that the enclosed disk contains the administrative record upon which USACE based its decision to issue Permit Number NAN-2008-00927 to the New York City Department of Sanitation (the “Permit”) on July 20, 2012. That record consists of documents Bates-numbered USACE 1 through USACE 11413. I further certify that the enclosed disk contains the administrative record upon which USACE based its decision to deny requests to reevaluate its issuance of the Permit. That record consists of the administrative record concerning issuance of the Permit, as well as additional documents Bates-numbered USACE 11414 through USACE 11469. I base this Certification on my personal involvement with USACE’s decision to issue the Permit and related post-permitting decisions, as well as my personal involvement with the compilation and review of the documents comprising the enclosed administrative records.

Dated: New York, New York  
June 11, 2013

A handwritten signature in cursive script that reads "Naomi Handell". The signature is written in black ink and is positioned above a horizontal line.

Naomi Handell  
Project Manager  
U.S. Army Corps of Engineers  
New York District  
Regulatory Branch-Eastern Section  
26 Federal Plaza, Room 1937  
New York, New York 10278

**INDEX TO THE ADMINISTRATIVE RECORDS<sup>1</sup>**

*Residents for Sane Trash Solutions, Inc., et al. v. United States Army Corps of Engineers, et al.*,  
12 Civ. 8456 (PAC)

*Kellner, et al. v. United States Army Corps of Engineers, et al.*, 12 Civ. 8458 (PAC)

**ADMINISTRATIVE RECORD FOR UNITED STATES ARMY CORPS OF ENGINEERS  
("USACE") DECISION TO ISSUE PERMIT NUMBER NAN-2008-00927 (THE  
"PERMIT") ON JULY 20, 2012**

Permit NAN-2008-00927 dated July 20, 2012 .....	USACE 1- USACE 94
Memorandum for Record dated July 20, 2012 .....	USACE 95- USACE 248
Additional record documents, 2012 .....	USACE 249- USACE 1337
Additional record documents, 2011 .....	USACE 1338- USACE 2465
Additional record documents, 2008-2012.....	USACE 2466- USACE 4984
Public comment, 2012 .....	USACE 4985- USACE 7936
Public comment, 2011 .....	USACE 7937- USACE 9967
Public comment, 2006-2008 .....	USACE 9968- USACE 10224
Records relating to public hearing held on September 16, 2008 .....	USACE 10225- USACE 11379
Public comment indexes .....	USACE 11380- USACE 11413

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<sup>1</sup> This index is not part of the administrative records, but instead is prepared for the convenience of the Court and the parties.

**ADMINISTRATIVE RECORD FOR USACE DECISION TO DENY REQUESTS TO REEVALUATE THE PERMIT<sup>2</sup>**

Letter from USACE to Jeffrey L. Braun, Esq. dated June 13, 2013.....	USACE 11414- USACE 11415
Letter from USACE to Albert K. Butzel, Esq. dated June 13, 2013.....	USACE 11416- USACE 11417
Memorandum for Record signed between May 21, 2013 and June 13, 2013 with attachments .....	USACE 11418- USACE 11429
Letter from Deputy Mayor Cas Holloway to Hon. Liz Krueger dated March 21, 2013 .....	USACE 11430- USACE 11432
Memorandum for Record dated March 21, 2013.....	USACE 11433- USACE 11436
Letter from Jeffrey L. Braun, Esq. to AUSA Christopher Connolly dated January 23, 2013.....	USACE 11437- USACE 11441
Letter from Albert K. Butzel, Esq. to USACE dated January 22, 2013 .....	USACE 11442- USACE 11444
Letter from Hon. Liz Krueger to Mayor Michael Bloomberg dated December 17, 2012 .....	USACE 11445- USACE 11451
Letter from Jeffrey L. Braun, Esq. to USACE dated December 12, 2012 .....	USACE 11452- USACE 11466
Letter from Albert K. Butzel, Esq. to USACE dated December 7, 2012 .....	USACE 11467- USACE 11469

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<sup>2</sup> This record incorporates the record concerning issuance of the Permit described above.